

§ 52.2370

40 CFR Ch. I (7–1–14 Edition)

State of Utah's SIP provisions which meet the requirements of CAA Section 110(a)(1) and (2) relevant to the 1997 Ozone NAAQS.

(b) On December 3, 2007, Jon L. Huntsman, Jr. Governor, State of Utah, provided a submission to meet the infrastructure requirements for the State of Utah for the 1997 PM<sub>2.5</sub> NAAQS. On April 17, 2008, M. Cheryl Heying, Director, Utah Department of Environmental Quality, provided a second submission to meet the infrastructure requirements for the State of Utah for the 1997 PM<sub>2.5</sub> NAAQS. On September 21, 2010, M. Cheryl Heying, Director, Utah Department of Environmental Quality, provided a submission to meet the infrastructure requirements for the State of Utah for the 2006 PM<sub>2.5</sub> NAAQS. The State's Infrastructure SIP is approved with respect to the 1997 and 2006 PM<sub>2.5</sub> NAAQS with respect to CAA section 110(a)(1) and the following elements of section 110(a)(2): (A), (B), (C) with respect to PSD and minor NSR requirements, (D)(i)(II) with respect to PSD requirements, (E)(i), (E)(iii), (F), (G), (H), (J), (K), (L), and (M).

[76 FR 43905, July 22, 2011, as amended at 78 FR 63887, Oct. 25, 2013]

**Subpart UU—Vermont**

**§ 52.2370 Identification of plan.**

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for Vermont under section 110 of the Clean Air Act, 42 U.S.C. 7401–7671q and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraph (c) and (d) of this section with an EPA approval date prior to February 10, 2006, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after February 10, 2006, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the State Implementation Plan as of February 10, 2006.

(3) Copies of the materials incorporated by reference may be inspected at the New England Regional Office of EPA at 5 Post Office Square—Suite 100, Boston, MA 02109–3912; the EPA, Air and Radiation Docket and Information Center, Air Docket (Mail Code 6102T), Room B–108, 1301 Constitution Avenue, NW., Washington, DC 20460 and the National Archives and Records Administration. For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) *EPA approved regulations.*

**EPA-APPROVED VERMONT REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date	Explanations
<b>Chapter 5—Air Pollution Control</b>				
<b>Subchapter I. Definitions</b>				
Section 5–101 .....	Definitions .....	2/8/2011	10/5/2012, 77 FR 60907 .....	Added definitions of “Greenhouse Gases” and “Subject to Regulation,” amended definition of “Major Stationary Source,” added significance level for greenhouse gases to the definition of “Significant.”

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EPA-APPROVED VERMONT REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Subchapter II. Prohibitions				
Section 5–201 .....	Open burning prohibited	07/22/98	04/22/98, 63 FR 19825 .....	
Section 5–202 .....	Permissible open burning	01/25/78	12/21/78, 43 FR 59496 .....	
Section 5–203 .....	Procedures for local authorities to burn natural wood.	01/25/78	12/21/78, 43 FR 59496 .....	
Section 5–211 .....	Prohibition of visible air contaminants.	08/12/78	04/16/82, 47 FR 16331 .....	Except Section 5–211(3).
Section 5–221 .....	Prohibition of potentially polluting materials in fuel.	10/14/2011	5/22/2012, 77 FR 30212 .....	Approve revised Section 5–221(1).
Section 5–231 .....	Prohibition of particular matter.	11/13/81	02/26/85, 50 FR 7767 .....	
Section 5–241 .....	Prohibition of nuisance and odor.	01/25/78	12/21/78, 43 FR 59496 .....	
Section 5–251 .....	Control of Nitrogen Oxides Emissions: RACT for large stationary sources.	4/27/07	7/19/2011, 76 FR 42560 .....	
Section 5–252 .....	Control of sulfur dioxide emissions.	11/04/79	02/19/80, 45 FR 10775 .....	Changes to numbering of RACT-related sub-sections of regulation. The state did not submit Subsection 5–251(2) as part of the SIP revision.
Section 5–253.1 ...	Petroleum liquid storage in fixed roof Tanks.	10/29/92	04/22/98, 63 FR 19825 .....	
Section 5–253.2 ...	Bulk gasoline terminals ..	10/29/92	04/22/98, 63 FR 19825 .....	
Section 5–253.3 ...	Bulk Gasoline Plants .....	4/27/07	7/19/2011, 76 FR 42560 .....	Changes to bulk gasoline plants regulation.
Section 5–253.4 ...	Gasoline tank trucks .....	10/29/92	04/22/98, 63 FR 19825 .....	
Section 5–253.5 ...	Stage I vapor recovery controls at gasoline dispensing facilities.	10/29/92	04/22/98, 63 FR 19825 .....	
Section 5–253.10 .....	Paper coating .....	10/29/92	04/22/98, 63 FR 19825 .....	
Section 5–253.12 .....	Coating of flad wood paneling.	10/29/92	04/22/98, 63 FR 19825 .....	
Section 5–253.13 .....	Coating of miscellaneous metal parts.	07/29/93	04/22/98, 63 FR 19825 .....	
Section 5–253.14 ...	Solvent metal cleaning ...	07/29/93	04/22/98, 63 FR 19825 .....	
Section 5–253.15 .....	Cutback and emulsified asphalt.	08/02/94	04/22/98, 63 FR 19825 .....	Adopted regulation establishing wood furniture manufacturing requirements.
Section 5–253.16 .....	Wood Furniture Manufacturing.	3/1/04	7/19/2011, 76 FR 42560 .....	
Section 5–253.20 .....	Other sources that emit volatile organic compounds.	08/03/93	04/09/97, 62 FR 17084 .....	
Section 5–261 .....	Control of hazardous air contaminants.	11/03/81	02/10/82, 47 FR 6014. ....	
Subchapter III. Ambient Air Quality Standards				
Section 5–301 .....	Scope .....	12/15/90	03/05/91, 56 FR 9175 .....	Removal of the TSP standard (Section 5–304 and 5–305) and establishment of PM <sub>10</sub> standard (Section 5–306).
Section 5–302 .....	Sulfur dioxide primary ....	03/24/79	02/19/80, 45 FR 10775 .....	
Section 5–303 .....	Sulfur dioxide secondary	03/24/79	02/19/80, 45 FR 10775 .....	
Section 5–306 .....	PM <sub>10</sub> primary and secondary standards.	11/01/90	08/01/97, 62 FR 41280 .....	
Section 5–307 .....	Carbon monoxide primary and secondary.	03/24/79	02/19/80, 45 FR 10775 .....	Formerly Section 5–306, renumbered to 5–307 when new Section 5–306 for PM <sub>10</sub> was created.

## EPA-APPROVED VERMONT REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Section 5–308 .....	Ozone primary and secondary.	03/24/79	02/19/80, 45 FR 10775 .....	Formerly Section 5–307, renumbered to 5–308 when new Section 5–306 for PM <sub>10</sub> was created.
Section 5–309 .....	Lead primary and secondary.	11/13/81	02/10/82, 47 FR 6014 .....	Formerly Section 5–308, renumbered to 5–309 when new Section 5–306 for PM <sub>10</sub> was created.
Section 5–310 .....	Nitrogen dioxide primary and secondary.	12/15/90	03/05/91, 56 FR 9175 .....	Formerly Section 5–309, renumbered to 5–310 when new Section 5–306 for PM <sub>10</sub> was created.
<b>Subchapter IV. Operations and Procedures</b>				
Section 5–401 .....	Classification of air contaminant sources.	2/8/2011	10/5/2012, 77 FR 60907 .....	Added certain sources of greenhouse gas emissions to the list of air contaminant sources
Section 5–402 .....	Written reports when requested.	03/24/79	02/19/80, 45 FR 10775 .....	
Section 5–403 .....	Circumvention .....	12/10/72	05/31/72, 37 FR 10842 .....	
Section 5–404 .....	Methods for sampling and FR testing of sources.	03/24/78	02/19/80, 45 FR 10775 .....	
Section 5–405 .....	Required air monitoring ..	03/24/79	02/19/80, 45 FR 10775 .....	
Section 5–406 .....	Required air modeling ....	03/24/79	02/19/80, 45 FR 10775 .....	
<b>Subchapter V. Review of New Air Contaminant Sources</b>				
Section 5–501 .....	Review of construction or modification of air contaminant sources.	09/17/86	07/17/87, 52 FR 26973 .....	
Section 5–502 .....	Major stationary sources and major modifications.	07/14/95	08/04/97, 62 FR 41867 .....	
<b>Subchapter VII. Motor Vehicle Emissions</b>				
Section 5–701 .....	Removal of control devices.	03/24/79	02/19/80, 45 FR 10775 .....	
Section 5–702 .....	Excessive smoke emissions from motor vehicles.	03/24/79	02/19/80, 45 FR 10775 .....	
Section 5–801 .....	Effective date .....	03/24/79	01/30/80, 45 FR 6781 .....	
<b>Tables</b>				
Table 1 .....	Table 1—Process weight standards.	01/25/78	12/21/78, 43 FR 59496 .....	
Table 2 .....	Table 2—PSD increments.	12/15/90	03/05/91, 56 FR 9175 .....	
Table 3 .....	Table 3—Levels of significant impact for non-attainment areas.	11/03/81	02/10/82, 47 FR 6014 .....	
<b>Subchapter VIII. Registration of Air Contaminant Sources</b>				
Sections 5–801 ....	Definitions .....	04/20/88	01/10/95, 60 FR 2524 .....	
Sections 5–802 ....	Requirement for registration.	04/20/88	01/10/95, 60 FR 2524 .....	
Section 5–803 .....	Registration procedure ...	04/20/88	01/10/95, 60 FR 2524 .....	
Section 5–804 .....	False or misleading information.	04/20/88	01/10/95, 60 FR 2524 .....	
Section 5–805 .....	Commencement or re-commencement of operation.	04/20/88	01/10/95, 60 FR 2524 .....	

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EPA-APPROVED VERMONT REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Section 5–806 .....	Transfer of Operation .....	04/20/88	01/10/95, 60 FR 2524 .....	

(d) EPA-approved State Source specific requirements.

EPA-APPROVED VERMONT SOURCE SPECIFIC REQUIREMENTS

Name of source	Permit number	State effective date	EPA approval date	Explanations
Isovolta Inc. (Formerly U.S. Samica, Inc.) Operating Permit RACT provisions.	OP–95–040 .....	1/06/2006	7/19/2011, 76 FR 42560	Only these sections were submitted by VT and approved into the SIP: Permit Conditions: Construction and Equipment Specifications (2), Operational Limitations (5), Emission Limitations (9) and (17), and Continuous Temperature Monitoring Systems (19) through (21).
Churchill Coatings Corporation Operating Permit RACT conditions.	AOP–06–040 .....	2/06/2008	7/19/2011, 76 FR 42560	Only these sections were submitted by VT and conditionally approved into the SIP: Emission Limitations (3) through (6) and (11), and Record Keeping and Reporting (14) through (16).
Killington/Pico Ski Resort Partners, LLC. Operating Permit RACT provisions.	AOP–04–025a .....	6/14/2007	7/19/2011, 76 FR 42560	Only these sections were submitted by VT and approved into the SIP: Construction and Equipment Specifications (3) through (7), Operational Limitations (8) and (10), Emission Limitations (14) through (16), Compliance Testing and Monitoring (23) and (24), Record-keeping and Reporting (25), (27), and (33), and Appendix A.
Okemo Limited Liability Company Operating Permit RACT provisions.	AOP–04–029 .....	2/26/2006	7/19/2011, 76 FR 42560	Only these sections were submitted by VT and approved into the SIP: Construction and Equipment Specifications (2), Operational Limitations (5) through (7) and (9) through (11), Emission Limitations (14) through (16), Compliance Testing and Monitoring (23) and (24), and Recordkeeping and Reporting (25), (26), (31), and (32).
H.B.H Prestain, Inc. Operating Permit RACT provisions.	AOP–03–009 .....	2/06/2008	7/19/2011, 76 FR 42560	Only these sections were submitted by VT and conditionally approved into the SIP: Emission Limitations (4) through (8) and (13), and Recordkeeping and Reporting (16) through (18).
Simpson Paper Company, Centennial Mill in Gilman, Vermont.	Environmental Protection Regulations, Chapter 5, Air Pollution Control, Subchapter II. Section 5–251(2).	01/04/95	04/09/97, 45 FR 17084	Administrative orders for Simpson Paper Company, in Gilman, Vermont, adopted and effective on January 4, 1995.
U.S. Samaica Corporation, in Rutland, VT.	Environmental Protection Regulations, Chapter 5, Air Pollution Control, Subchapter II. Section 5–253.20.	01/04/95	04/09/97, 45 FR 17084	Administrative orders for U.S. Samaica Corporation, in Rutland, Vermont, adopted and effective on January 4, 1995.

(e) Nonregulatory.

## VERMONT NON-REGULATORY

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approval date	Explanation
Notice of public hearing ....	Statewide	Submitted 02/03/72.	06/15/72, 37 FR 11914	(c)(1) Vermont Agency of Environmental Conservation.
Miscellaneous non-regulatory revisions to the plan.	.....	Submitted 02/25/72.	5/31/72, 37 FR 10842 ...	(c)(2) Vermont Agency of Environmental Conservation.
Miscellaneous non-regulatory revisions to the plan.	.....	Submitted 03/03/75.	01/21/76, 41 FR 3085 ...	(c)(4) Vermont Agency of Environmental Conservation. Deletion of Winooski sampling site for particulates and sulfur dioxide.
Plans to meet various requirements of the Clean Air Act, including Part C.	.....	Submitted 03/21/79, and 11/21/79.	01/30/80, 45 FR 6781 ...	(c)(9) See Plans to attain below.
Attainment Plans to meet the requirements of Part D and the Clean Air Act, as amended in 1977.	.....	Submitted 03/21/79, 11/21/79, 11/27/79, and 12/19/79.	02/19/80, 45 FR 10775	(c)(10) Plans to attain. State of Vermont air quality and the implementation plan (March 1979). The secondary TSP standard for Barre City and a portion of the Champlain Valley Air Management Area, the carbon monoxide standard in the Champlain Valley Air Management Area and the ozone standard in Chittenden, Addison, and Windsor Counties. A program was also submitted for the review of construction and operation of new and modified major stationary sources of pollution in non-attainment areas. Certain miscellaneous provisions were also included.
A plan to provide for public, local and state involvement in federally funded air pollution control activities.	.....	Submitted 03/28/80.	09/09/80, 45 FR 59314	(c)(11) A plan to provide for public, local and state involvement in federally funded air pollution control activities.
A plan to attain and maintain the National Ambient Air Quality Standard for lead.	.....	Submitted 06/24/80, and 11/07/80.	03/18/81, 45 FR 17192	(c)(12) A plan to attain and maintain the National Ambient Air Quality Standard for lead. A letter further explaining the state procedures for review of new major sources of lead emissions.
A revision to the quality monitoring network.	.....	Submitted 03/21/79.	10/08/80, 45 FR 66789, corrected by 03/16/81, 46 FR 16897.	(c)(13) meets the requirements of 40 CFR part 58
Narrative submittal "Implementation Plan for the Protection of Visibility in the State of Vermont" and "Appendices".	.....	Submitted 04/15/86.	07/17/87, 52 FR 26973	(c)(19) Describing procedures, notifications, and technical evaluations to fulfill the visibility protection requirements of 40 CFR part 51, subpart P.
State Implementation Plan narrative.	.....	Submitted 12/07/90, and 01/10/91.	03/05/91, 56 FR 9175 ...	(c)(20) State of Vermont Air Quality Implementation Plan dated November 1990.
State Implementation Plan narrative.	.....	Submitted 08/09/93.	01/10/95, 60 FR 2524 ...	(c)(21) State of Vermont Air Quality Implementation Plan dated February, 1993. To meet the emission statement requirement of the CAAA of 1990.
Revisions to the State Implementation Plan.	.....	Submitted 02/03/93, 08/09/93, and 08/10/94.	04/22/98, 63 FR 19825	(c)(25) State of the State Vermont: Air Quality Implementation Plan dated August 1993.
Revisions to the State Implementation Plan.	.....	Submitted 08/03/98.	07/10/00, 65 FR 42290	(c)(26) letter from VT Air Pollution Control Division dated July 28, 1998 stating a negative declaration for the aerospace coating operations CTG category.

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### VERMONT NON-REGULATORY—Continued

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approval date	Explanation
Reasonably Available Control Technology State Implementation Plan (SIP)/certification for the 1997 8-hour Ozone National Ambient Air Quality Standard.	Statewide	Submitted 11/14/2008.	7/19/2011, 76 FR 42560.	
SIP narrative associated with 5–253.16 wood furniture manufacturing regulation.	Statewide	Submitted 11/22/2006.	7/19/2011, 76 FR 42560.	
Vermont Regional Haze SIP and its supplement.	Statewide	8/26/2009; supplement submitted 1/3/2012.	5/22/2012, 77 FR 30212.	

[65 FR 54415, Sept. 8, 2000, as amended at 68 FR 34809, June 11, 2003; 71 FR 14390, Mar. 22, 2006; 76 FR 49672, Aug. 11, 2011; 73 FR 42566, July 19, 2011; 77 FR 30213, May 22, 2012; 77 FR 60909, Oct. 5, 2012]

#### § 52.2371 Classification of regions.

The Vermont plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Champlain Valley Interstate .....	II	II	III	III	III
Vermont Intrastate .....	II	II	III	III	III

[37 FR 10898, May 31, 1972, as amended at 45 FR 10782, Feb. 19, 1980]

#### § 52.2372 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Vermont's plan as identified in § 52.2370 for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements of Part D, Title I, of the Clean Air Act, as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January, 1978 and January, 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

(b) [Reserved]

[75 FR 82562, Dec. 30, 2010, as amended at 77 FR 60910, Oct. 5, 2012]

#### § 52.2373 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met. Vermont does not have the authority to make emissions data available to the public since 10 V.S.A. section 363 would require the data to be held confidential if a source certified that it related to production or sales figures, unique processes, or would tend to affect adversely the competitive position of the owner.

[37 FR 10899, May 31, 1972, as amended at 51 FR 40676, Nov. 7, 1986]

#### § 52.2374 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met since the plan